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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/687,293 | 10/16/2003 | Keith E. Grzywacz | TFM0058 | 7533 |
| 832 | 7590 | 11/02/2005 | EXAMINER | |
| BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802 | | | TAMAI, KARL I | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2834 | |

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/687,293 | Applicant(s) GRZYWACZ ET AL. | |
| | Examiner Tamai I.E. Karl | Art Unit 2834 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
4a) Of the above claim(s) 22-26 is/are withdrawn from consideration.
5) ☒ Claim(s) 21 is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-21 in the reply filed on 6/29/2005 is acknowledged.

Specification

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification, such as for example: page 6, paragraph 0030, the gearbox is shown in figure 5, not figure 1.

Drawings

3. The drawings were received on 7/21/2005. These drawings are accepted.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: 140.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the drive component extending through the openings in the endframe, the magnet and the cover, and the resilient fingers and the wall extending from the cover must be shown or the feature canceled from claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 20 is objected to because of the following informalities: claim 20 does not provide antecedent basis for "said fingers". Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 5, 8-12, and 15-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kidokoro (JP 07-274443). Kidokoro teaches a motor with a hall sensor 37 and magnet 29, and a cover 30. The cover having a first finger 38 received in a recess 23b of the endshield. The endframe having wall around the exterior surface of the cover 30. The stop 38 and the wall of the endshield prevents the cover from being disengaged from the endshield.

9. Claims 1-3, 8-10, 12, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sugiyama (JP 06-105521). Sugiyama teaches a motor with a hall sensor 16 and magnet receiver 12 holding magnet 13, and a cover secured to the endshield by at least on finger(see figure 1), where the finger includes a protrusion/stop to prevent disengagement of the housing and engage the endshield in a snapfit manner. The endshield, armature and magnet receiver having holes axially aligned.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidokoro (JP 07-274443), in further view of the Ozuru (JP 6-284641). Kidokoro fingers the cover but does not teach the fingers extending from the endshield fingers and a recess on the cover. Ozuru shows protrusions extending from the endshield to mate with a recess 10 on the cover to provide easy assembly. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Kidokoro with the fingers on the endshield because Ozuru teaches the mating protrusion extending from the endshield to provide easy assembly and because a mere reversal of essential working parts involves only routine skill in the art (See *In re Einstein*, 8 USPQ 167).

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13. Claims 6, 7, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidokoro (JP 07-274443) or Sugiyama (JP 06-105521), in further view of the Applicant's Admitted Prior Art (AAPA). Kidokoro or Sugiyama teach every aspect of the invention except an opening of the cover and a drive shaft/pin extending through the cover, magnet, and end frame. AAPA teaches an opening in the cover, magnet, endframe, and armature shaft for a drive pin. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Kidokoro or Sugiyama with the opening in the cover to permit passage of the drive shaft as taught in the AAPA.

14. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kidokoro (JP 07-274443) and Ozuru (JP 6-284641), in further view of the Michaels et al. (Michaels)(US 5877572). Kidokoro and Ozuru teach every aspect of the invention except the plurality of walls proximate the fingers. Michaels teaches the wall on the ends shield comprised of a plurality of walls surrounding the cover 30, sensors, and plugs. It is inherent that the wall is proximate the mating projections and recesses (col. 5, line 2) to secure the cover to the endshield 12b. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Kidokoro and Ozuru with the plurality of walls to prevent dust from entering the motor, as taught by Michaels.

Allowable Subject Matter


15. Claim 21 is allowed.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (571) 272 - 2036.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg, can be reached at (571) 272 - 2044. The facsimile number for the Group is (571) 273 - 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karl I Tamai
PRIMARY PATENT EXAMINER
October 31, 2005



KARL TAMAI
PRIMARY EXAMINER